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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,937	03/25/2004	Geoffrey H. Gorres	16360-002001	6884

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EXAMINER
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BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1771

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/808,937

Applicant(s)

GORRES, GEOFFREY H.

Examiner

Jenna-Leigh Befumo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) 14-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on February 1, 2007 has been entered. Claims 1 and 9 have been cancelled. Claims 2, 4 – 7, 10, 11, 13, 14, 19, and 20 have been amended. Therefore, the pending claims are 2 – 8 and 10 – 24. Claims 14 – 24 are withdrawn from consideration as being drawn to a nonelected invention.
2. The amendment is sufficient to overcome the 35 USC 102 rejection based on Huber et al. (5,066,529) since Huber et al. does not disclose adding a treatment or coating to the fabric. However, a new rejection to these claims based on Huber et al. is set forth below.
3. The amendment is sufficient to overcome the 35 USC 102 rejection based on Mullis (2002/0083507) since Mullis fails to disclose adding a treatment or coating to the fabric.
4. The 35 103 USC rejection to claims 7, 8, and 11 based on Huber et al. are withdrawn since the rejections do not teach adding a treatment or coating to the fabric. However, a new rejection to these claims based on Huber et al. is set forth below.
5. The 35 103 USC rejection to claim 11 based on Mullis is withdrawn since the rejections do not teach adding a treatment or coating to the fabric.

### ***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 2 – 6, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber et al. in view of Hamilton (5,010,589).

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Huber et al. discloses a camouflage wrapping tape, which can be wrapped around objects to camouflage them (abstract). The camouflage can be applied to various objects including bows, rifles barrels, stand supports (column 1, lines 25 - 30). The tape may be made from a stretchy material, which can wrap irregular surfaces such as the elastic shirred web material described in US 3,575,782 (column 2, lines 55 - 63). The applicant teaches in the disclosure that the elastic web taught by US 3,575,782 is a self-adherent web, which sticks to itself, and not to the object it is applied to (specification, page 4, lines 1 - 5). The camouflage can be made to look like different things such as tree bark, cattail, grasses, or other oblong shapes (column 2, lines 18 - 20). The pattern can include various colors that would be in a natural background such as tan, brown, khaki, green, olive, grey and black (column 2, lines 42 - 45). And the pattern can be printed, painted, woven into the fabric, dyed or in any other way applied to the tape material (column 2, lines 65 - 68).

Huber et al. fails to teach incorporating any additives into the camouflage material. Hamilton is drawn to a camouflaged material for hunters (abstract). Hamilton discloses that hunters use scents applied to their clothing to attract animals (column 1, lines 5 - 8). Thus, it would have been obvious to one having ordinary skill in the art to apply scents and lures to the removable camouflaged wrap disclosed by Huber et al. to attract animals during use. Thus, claims 2 - 4, 6, 10, 12, and 13 are rejected

Claim 5 is also rejected since the final product would be the same regardless of when the camouflage pattern is applied to the wrap. In other words, whether the pattern is applied before or after the wrap is applied would not manipulatively effect the claimed product since both

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methods would produce an object camouflaged with a wrap having a camouflage pattern applied thereon

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber et al. and Hamilton as applied to claim 12 above, and further in view of Bylund et al. (5,486,385).

The features of Huber et al. and Hamilton have been set forth above. Huber et al. fails to teach having two different camouflage designs on the wrap. Bylund et al. is drawn to camouflage materials. Bylund et al. discloses that the can include various camouflage designs (column 6, lines 35 - 45). Also, the camouflage material can be made reversible by having a different camouflage pattern on each side of the camouflage material. Thus, it would have been obvious to one having ordinary skill in the art to apply a second camouflage design as disclosed by Bylund et al., to one side of the camouflage wrap disclosed by Huber et al. so that camouflage can be used in different environments by reversing the image which is exposed. Thus, claims 7 and 8 are rejected.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huber et al. and Hamilton as applied to claim 12 above, and further in view of Lee (4,792,471) or Crawford (4,517,230).

The features of Huber et al. and Hamilton have been set forth above. Huber et al. fails to teach using three dimensional camouflage. Lee is drawn to a camouflage wrapping system (abstract). Lee discloses that the camouflage wrap includes artificial foliage elements attached to the wrap (abstract). A wrap having physically affixed thereto artificial leaves, flowers, weeds, etc, creates a three-dimensional camouflage effect which increases the difficulty of the hunter being spotted (column 1, lines 35 - 45). Crawford is drawn to a camouflage material. Crawford

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discloses that the camouflaged material can include artificial leaves attached thereto (abstract).

The three-dimensional camouflage makes the hunter's silhouette less visible (column 1, lines 15 - 35). Therefore, it would have been obvious to one of ordinary skill in the art to add three-dimensional camouflage as taught by Lee or Crawford to the camouflage wrap disclosed by Huber et al. to help reduce the visibility of the hunter's silhouette and increase the effectiveness of the camouflage. Thus, claim 11 is rejected.

### ***Response to Arguments***

10. Applicant's arguments filed February 1, 2007 have been fully considered but they are not persuasive. The applicant argues that the rejection based on Huber et al. and Hamilton is not sufficient to establish a prima facie case of obviousness. Particularly the applicants argues that there is not sufficient motivation to combine the references, and just because references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination (response, page 6). In the present case, both references are drawn to camouflage materials. Further, Hamilton teaches that animal scents can be added to camouflage materials to attract animals to the hunters, as set forth above. Hence, the motivation to combine the references is found within the references itself. One of ordinary skill in the art would be motivated to add animal scents, as taught by Hamilton, to camouflage materials, such as the material produced by Huber et al. to attract animals. Thus, the rejection provides proper motivation and establishes a prima facie case of obviousness.

11. Further, with regards to the applicant's contention that Huber et al. describes a tape, it is noted that Huber et al. describes using materials made by the same U.S. patent as the applicant, U.S. 3,575,782. Thus, the material made by Huber et al. according to U.S. 3,575,782 would

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inherently have self-adherent properties. Further, these self-adherent properties would still be present in the material regardless of what additional coating or materials are applied to the tape. Thus, the rejection is maintained.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlb  
March 30, 2007

  
JENNA BEFUMO  
PRIMARY EXAMINER